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NOT FILED

January 30, 2018

Honorable John Michael Vazquez  
United States Post Office & Courthouse  
Room 417  
2 Federal Square  
Newark, N. J. 07102

Re: Winter, et al v Jones, et al – Case No. 2:16-cv-09020 (JMV-JBC)  
Rule 11 Opinion

Dear Judge Vazquez:

On my behalf and on behalf of Mr. Sussman I feel compelled to respond to the inquiry regarding him expressed in your recent Rule 11 Opinion in the above matter.

I note initially that your negative comments regarding Mr. Sussman, employed by me only as a para-legal, are irrelevant and, at least for that reason, inappropriate.

In direct response to your record inquiry as to why I have employed Mr. Sussman; I do not apologize in any way for doing so, simply because he is a quite capable graduate of a prominent law school whose technical qualifications in this case exceed those of many, and perhaps all, of the attorney Defendants appearing in the matter. Further, the case defining the offense(s) for which Mr. Sussman was convicted<sup>1</sup> has been specifically abrogated by a subsequent decision of the U.S. Supreme Court in Henson v Santander USA, Inc., 582 US\_ (2017), 2017 WL 2507342. I believe it is morally mistaken and wrong to denigrate and discourage from returning to professional activity, those who have been convicted of non-violent technical offenses and completed their sentences; especially when those offenses have been later ruled by the U.S. Supreme Court to have been wrongly charged.

Respectfully yours,



David M. Hoffman

DMH/m  
CC: all Counsel

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<sup>1</sup>FTC v Check Investors, Inc., 502 F3d 159 (3d Cir. 2007)